

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SCRUM ALLIANCE, INC.,

Plaintiff,

V.

Civil Action No. 4:20-CV-227

SCRUM, INC.,
JEFF SUTHERLAND, and
JJ SUTHERLAND,

October 19, 2020

Defendants.

**DECLARATION OF JESSICA T. LU IN SUPPORT OF SCRUM, INC.'S REPLY IN
FURTHER SUPPORT OF MOTION FOR PROTECTIVE ORDER (DKT. #91)**

JESSICA T. Lu declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member in good standing of the Bar of Massachusetts. I am admitted to practice in this Court *pro hac vice*. I am an attorney with Brown Rudnick LLP, counsel for Defendants Scrum, Inc., Jeff Sutherland, and JJ Sutherland. I make this declaration in support of Defendants' reply in further support of their Motion for a Protective Order (Dkt. #91).

2. On Friday, September 25, 2020, at 3:53 PM CDT, I called counsel for SAI, Chip Babcock, by telephone to inform Mr. Babcock of Defendants' intention to seek the relief requested in the Motion that day and to request SAI's position. Mr. Babcock stated that he would need to confer with his client and that he did not believe he would be able to reach his client until the following week. I requested that Mr. Babcock inform me of any updates. Having not heard back from Mr. Babcock, five hours later, at 8:49 PM CDT, Defendants proceeded to file the Motion to preserve its timeliness.

3. On October 16, 2020, I directed a search of all documents produced in this action to Plaintiff Scrum Alliance, Inc. by Defendants for documents that reference any of the 24 customers who are the recipients of the Subpoenas at issue, including any communication to and from these recipients. The total number of these documents produced to date is 424.

4. Attached hereto as Exhibit 1 is a true and accurate copy of an excerpt from Remote Oral and Videotaped Deposition of Patrick Roach, as Corporate Representative of Scrum, Inc. on October 14, 2020.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 19, 2020.

/s/ Jessica T. Lu
Jessica T. Lu